

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

KELLY PINN, individually and on behalf of all
others similarly situated,

Plaintiff,

Case No.: 4:23-cv-01138-P

v.

LUMIO HX, INC. d/b/a LUMIO,

Defendant.

UNOPPOSED MOTION TO EXTEND RESPONSE DEADLINE

Pursuant to FED. R. CIV. P. 6, Defendant Lumio HX, Inc., d/b/a Lumio (“Lumio”) files this motion to extend its deadline to file its first responsive paper. Counsel for Lumio has conferred with counsel for Plaintiff Kelly Pinn (“Plaintiff”), who agrees to a thirty-day (30) extension and does not oppose this motion. Accordingly, Lumio respectfully asks the Court to extend its deadline to file a responsive paper from December 5, 2023, to January 4, 2024. No other deadlines will be affected by this motion, as no scheduling order is in place yet.

Good cause exists for this agreed motion because counsel for Lumio was recently retained to prepare a responsive paper to this putative class action complaint. Counsel for Lumio is diligently analyzing the complaint and requests a modest thirty (30) days to finalize its analysis and preparation of the responsive papers. This motion is not brought for purposes of delay. Additionally, counsel for Plaintiff does not oppose this motion.

For these reasons and for good cause shown, Lumio respectfully requests that this Court grant Lumio a thirty-day (30) extension to file a responsive paper to the complaint, *i.e.*, until January 4, 2024.

Dated: December 4, 2023

Respectfully submitted,

/s/ Russell J. Burke

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Attorneys for Defendant Lumio HX, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 4, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system upon all counsel of record:

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/s/ Russell J. Burke
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CERTIFICATE OF CONFERENCE

I HEREBY CERTIFY that on November 29, 2023, counsel for Defendant conferred with Plaintiff's counsel of record via email about the requested extension. Mr. Paronich indicated that he agrees to a thirty (30) day extension, he does not oppose this motion, and agrees to this motion being filed as an unopposed motion.

/s/ Russell J. Burke

Russell J. Burke, Esquire